

REMARKS

Claims 35-51 are pending in this application. Of those claims, claims 37-51 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b).

In this Amendment, claim 35 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendments to the claim can be found on, for example, page 15, lines 3-16; page 19, lines 10-24; and page 27, lines 14-26 of the specification.

Claims 35 and 36 are now active in this application, of which claim 35 is independent.

Claim Rejection Under 35 U.S.C. § 112

1. Claims 35 and 36 have been rejected under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement.

The Examiner specifically asserted as follows (paragraph 2 of the Office Action):

It is structurally impossible for the respective electrodes to contact the respective gas channels as set forth in lines 5-7 and lines 11-12 of claim 35 because the channels are grooves in a plate and thus the grooves cannot contact the particular electrode even if the plate is in direct contact with the electrode.

In response, claim 35 has been amended in this amendment to address the issue raised by the Examiner as follows:

Lines 5-7: “a plurality of fuel gas channels being juxtaposed on the first surface and facing the anode of the cell,”

Lines 11-12: “a plurality of oxidizer gas channels being juxtaposed on the third surface and facing the cathode of the cell,”

Support for the above amendments can be found on, for example, page 19, lines 13-15 of the original specification.

Applicants believe that the claimed subject matter is clearly described in the original specification in the meaning of 35 U.S.C. § 112, first paragraph. Applicants, therefore,

respectfully solicit withdrawal of the rejection of claims 35 and 36, and favorable consideration thereof.

2. Claims 35 and 36 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserted as follows (paragraph 4 of the Office Action):

Line 3 of claim 35 sets forth “the units cell”. It is unclear and indefinite which “unit cell” is being referenced of the plurality of unit cells recited in lines 1-2 of claim 35?

The language “juxtaposed on the second surface or in the second plate” set forth in lines 16-17 of claim 35 is indefinite and unclear. What element or elements are “juxtaposed of the second surface or in the second plate”? Is this language making reference to the heat medium channel, the heat medium inlet header, the heat medium outlet header or is this language making reference to a combination of some or all of these recited elements? Clarification of the claimed subject matter is required.

Claim 35 has been amended to address the above issues raised by the Examiner as follows:

Line 3: “~~the units cell~~ at least one of the plurality of unit cells comprising:” Support for the amendments can be found on page 15, lines 3-16; and page 19, lines 10-24 of the original specification.

Lines 15-17: “a plurality of heat medium ~~channel~~ channels for distributing a heat medium, and both a heat medium inlet header and a heat medium outlet header connected with the plurality of heat medium ~~channel~~ channels, the plurality of heat medium channels juxtaposed on the second surface or in the second plate,” Support for the amendments can be found on, for example, page 27, lines 14-26 of the specification.

Applicants believe these amendments are fully responsive to the Examiner's concerns. Withdrawal of the rejection of claims 35 and 36 under 35 U.S.C. § 112, second paragraph is respectfully solicited.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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